

CHANGE REQUEST COVER SHEET

Change Request Number: 10-53

Date Received: 5/21/2010

Title: Congressional Notice and Press Release

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Policy OR Guidance: Guidance

Section/Text Location Affected: T3.13.1(A)(3) and T3.13.1(A)(4)

Summary of Change: The change revises and clarifies which contractual instruments require Congressional Notification and press releases.

Reason for Change: (i) To clarify when Congressional Notice is required and the internal process for notifying Congress and (ii) clarify when a press release is required.

Development, Review, and/or Concurrence: The document was reviewed by the Procurement Policy Team manager; Acquisition Program Specialists; Office of General Counsel, ARC contracting and the management staff of the Director of Acquisition and Contracting.

Target Audience: Acquisition Workforce

Potential Links within FAST for the Change: None

Briefing Planned: No

ASAG Responsibilities: None

Potential Links within FAST for the Change: None

Links for New/Modified Forms (or) Documents (LINK 1)

Links for New/Modified Forms (or) Documents (LINK 2)

Links for New/Modified Forms (or) Documents (LINK 3)

SECTIONS EDITED:

Procurement Guidance:

T3.13.1 Other Administrative Procedures

Administrative Matters

Section 3 : Congressional Affairs Notification [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.13.1 Other Administrative Procedures

Administrative Matters

Section 4 : Press Release and Public Announcement of Award [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

SECTIONS EDITED:

Section 3 : Contract Award Notification

Old Content: Procurement Guidance:

T3.13.1 Other Administrative Procedures

Administrative Matters

Section 3 : Contract Award Notification

a. *Significant Contract Actions.* The FAA should inform the public of significant FAA contract actions such as contract awards and modifications. *Even* though the AMS does not specify that all contract awards need to be advertised, the Contracting Officer (CO) should consider announcing contract actions that are large programs or otherwise have large funding amounts, subcontracting opportunities, or high visibility. Contract award information should be announced in a timely manner via the Internet, FAA Contract Opportunities website, trade magazines, or local newspapers. Also, contracting offices should notify associate level management and administrators of contract awards, *especially* those of high dollar values. This notification may be in the form of a cc:mail that includes the contractor's name, type service/equipment, dollar amount, and duration of the contract.

b. *Management Notification.* COs should notify the Chief Operating Officer, Associate Administrator or Assistant Administrator, through the CO's respective management, of contract awards for significant contract actions as identified in paragraph a. Management notification should occur BEFORE releasing the Congressional Affairs notice, if applicable, and before making any public announcement. This notification may be an electronic message that includes the contractor's name, type service/equipment, dollar amount, and duration of the contract. COs should conform to established local procedures when making this management notification.

c. *Procurements of \$25,000 to \$100,000.* Procurements of \$25,000 to \$100,000 should be posted on the FAA Contract Opportunities website after award for information purposes only to facilitate the exchange of business opportunities in the FAA. The posting should include the following information:

(1) Period of performance;

(2) Total value;

- (3) Name and telephone number of the technical representative;
- (4) Description of the procurement;
- (5) Procurement number;
- (6) Contracting Officer's name and telephone number.

New Content: Procurement Guidance:

T3.13.1 Other Administrative Procedures

Administrative Matters

Section 3 : Congressional Affairs Notification

a. The following require official notification to Congress *before* releasing an award and distributing the contractual instrument:

(1) *New Awards.* Congress must be notified at least 48 hours, excluding Federal holidays and weekends, before awarding any contract or other agreement of \$3.5 million or more (total value including all options or ceilings), excluding interagency agreements. The DOT Assistant Secretary for Government Affairs (I-1) or designee notifies Congress, and advises the Contracting Officer (CO) that the contract or agreement may be released. The CO may sign the contract or agreement, but information about the award must not be released outside of DOT until completing the Congressional notification procedures in this section.

(2) *Modifications and Delivery/Task Orders.* Notification is not required for modifications and delivery/task orders of \$3.5 million or more if Congress was notified about the initial award; otherwise, Congressional notification is required.

b. Notification must be made via form DOT F 4220.41, "Contract Award Notification," to the DOT Assistant Secretary for Government Affairs (I-1), with concurrent courtesy copies to:

(1) FAA Office of Government and Industry Affairs (AGI-1);

(2) FAA Acquisition Executive (ATO-A); and

(3) Chief Operating Officer (if ATO is the requiring organization) or Associate/Assistant Administrator (if other than ATO is the requiring organization), through the CO's management.

c. The CO must complete all blocks of form DOT F 4220.41 and send it to the Assistant Secretary for Government Affairs (I-1), via email or fax at (202) 366-7346. Block 9 of the form may be revised to show an applicable AMS procurement method. The CO is responsible for documenting the date I-1 received the form; to confirm receipt, the CO may call (202) 366-4573.

d. Unless I-1 or designee requests the CO or other designated official not to proceed with award, awards may be announced on the **third** working day following I-1's receipt of DOT F 4220.41.

e. The official contract file must include a copy of form DOT F 4220.41 and documentation of I-1's receipt of the form.

Red Line Content: Procurement Guidance:

T3.13.1 Other Administrative Procedures

Administrative Matters

Section 3 : ~~Contract Award~~ Congressional Affairs Notification

a. ~~Significant Contract Actions.~~ The FAA following should inform the public of require official notification to Congress significant before FAA contract actions such as contract awards releasing an award and distributing the contractual and instrument:

(1) modifications New Awards. Even Congress though the AMS does not specify must be notified at least 48 that hours, all excluding Federal holidays and weekends, before awarding any contract awards need to be or other agreement of advertised, \$3.5 the Contracting Officer million or more (CO total value including all options or ceilings), should consider excluding interagency announcing agreements. contract actions that are large programs or The DOT Assistant Secretary for Government Affairs otherwise (I-1) have large funding amounts or designee notifies Congress, subcontracting and opportunities, advises the Contracting Officer (CO) that the contract or high agreement visibility may be released. Contract The award CO may sign the contract or agreement, but information should about the award must not be announced in a timely manner via released outside of DOT until completing the Internet, Congressional FAA Contract Opportunities notification procedures in website, this trade section.

(2) magazines, Modifications or and local Delivery/Task newspapers Orders. Also, contracting offices Notification should notify associate level management is not required for modifications and administrators delivery/task orders of contract \$3.5 awards, million especially or those of high dollar more if Congress was values. notified about the initial award; This otherwise, Congressional notification may is required.

b. Notification must be in the made via form of DOT a F ee: mail 4220.41, that "Contract Award includes Notification," to the contractor's DOT name, Assistant type Secretary service/equipment, for dollar Government amount Affairs (I-1), and duration of the with concurrent courtesy copies contract to:

b. Management (1) Notification. FAA Office of Government and Industry Affairs (AGI-1); COs

(2) should notify FAA Acquisition the Executive (ATO-A); and

(3) Chief Operating Officer, Associate (if Administrator ATO is the requiring organization) or Associate/Assistant Administrator (if other than ATO is the requiring organization), through the CO's respective management, of.

c. contract The awards CO for must significant contract actions as identified in paragraph complete all blocks of form DOT F a4220.41 Management notification should occur BEFORE releasing the and send it to the Assistant Secretary Congressional for Government Affairs notice (I-1), if applicable, via and before making any email or fax at public (202) announcement 366-7346. This Block notification 9 of the form may be revised to show an electronic applicable AMS procurement message method, that includes the The contractor's CO name, is type responsible service/equipment, for dollar documenting amount, the and date duration I-1 of received the contract, form; COs should conform to established confirm receipt, procedures when making this the CO may call management (202) notification 366-4573.

e. Procurements of \$25,000 to \$100,000 d. Procurements Unless of I-1 \$25,000 or to designee \$100,000 requests should be posted on the FAA Contract Opportunities website after the CO or other designated official not to proceed with award for, information purposes only to facilitate awards may be announced on the exchange third of business opportunities working day following in I-1's the receipt FAA of. The posting should include the following information: (1) Period DOT of F performance 4220.41. ;

(2) Total value. ; (3) Name and telephone number of the technical The official contract file must include representative; (4) a Description copy of the form procurement; (5) DOT Procurement F number; (6) 4220.41 Contracting and Officer documentation of I-1's name and telephone number receipt of the form.

Section 4 : Congressional Affairs Notification

Old Content: Procurement Guidance:

T3.13.1 Other Administrative Procedures

Administrative Matters

Section 4 : Congressional Affairs Notification

a. The following types of actions require official notification to Congress prior to release of award and distribution of the contractual instrument:

(1) *New Awards.* Congress must be notified at least 48 hours, exclusive of federal holidays and weekends, in advance of award of any contract of \$3.5 million or more (total value of the contract, including all options), excluding interagency agreements. The Assistant Secretary for Government Affairs (I-1) or designee is responsible for notifying Congress and advising the Contracting Officer that the contract may be released. The Contracting Officer may sign the contract, but no information should be released outside of DOT until the contract notification procedures outlined herein have been accomplished.

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(2) *Modifications or Delivery/Task Orders.* Notification is not required for modifications or delivery/task orders exceeding \$3.5 million if Congress was notified of the initial contract award; otherwise, Congressional notification is required.

b. Notification will be made via form DOT 4220.41, "Contract Award Notification", with a concurrent courtesy copy to the FAA's Office of Government and Industry Affairs, AGI-1. Blocks 1-11 of the form must be completed and telexed to the Assistant Secretary for Government Affairs (I-1), (202) 366-7346; confirmation: (202) 366-4573. The Contracting Officer should file a copy of the form and the telex receipt, if available, in the official contract file. Block 9 of the form should be amended to add the methods in the FAA Acquisition Management System.

c. Unless I-1 or designee, requests the Contracting Officer or other designated official not to proceed with contract award, awards may be announced on the third working day following receipt of the Form DOT 4220.41 in I-1. Confirmation of the receipt of the 4220.41 by I-1 may be made by calling (202) 366-4573. The Contracting Officer is responsible for documenting the date the 4220.41 is received by I-1.

d. A press release may be appropriate for contract award actions of interest to the general public. The determination of what is newsworthy and what is not must consider not only the dollar amount of the action but also the uniqueness or public interest that may be associated with the event. The FAA Office of Public Affairs (AOC-300), should be contacted for assistance in developing a press release. Regions and centers should coordinate press releases for regional and center actions with their local public affairs office. A request for a press release should be made approximately 4 weeks in advance of a contract award.

New Content: Procurement Guidance:

T3.13.1 Other Administrative Procedures

Administrative Matters

Section 4 : Press Release and Public Announcement of Award

a. Congressional notification procedures must be completed before the CO or other designated official issues a press release or public announcement.

b. *Press Release.* A press release may be appropriate for awards of interest to the general public. The determination of what is or is not newsworthy must consider factors such as dollar amount of the action, uniqueness, or public interest associated with the requirement. The CO should contact the Office of Public Affairs (AOC-300) for advice, and help with preparing a press release; Service Area, Region and Center personnel should coordinate a press release with their local public affairs office. The CO should request a press release approximately four weeks before planned award.

c. *Public Announcement.* Although AMS policy does not require public announcement for all awards, the CO should consider announcing an award involving large funding amounts, subcontracting opportunities, or high public visibility. Award information should be announced

promptly and via FAA Contract Opportunities website, the Internet, trade magazines, or local newspapers. Award announcements are for informational purposes only and should include:

- (1) Contract number;
- (2) Contractor name and address;
- (3) Brief description of the requirement;
- (4) Total value;
- (5) Award date; and
- (6) Contracting Officer's name, email, and telephone.

Red Line Content: Procurement Guidance:

T3.13.1 Other Administrative Procedures

Administrative Matters

Section 4 : ~~Congressional Affairs Notification~~ Press Release and Public Announcement of Award

a. ~~The following types of actions require official~~ Congressional notification to Congress prior to release of award and distribution of the contractual instrument: (1) ~~New Awards.~~ Congress procedures must be notified at least 48 hours, exclusive of federal holidays and weekends, in advance of award of any contract completed ~~of before~~ \$3.5 the million CO or more (total value other of the designated official contract, issues including all a press options); release excluding interagency agreements or public announcement. The Assistant Secretary

b. for Press Government Release. Affairs A (I-1) press or designee is responsible release may be appropriate for notifying Congress and advising the awards Contracting Officer that of interest to the contract may be general released public. The Contracting Officer may sign the contract, but no information should be released outside determination of DOT until the contract notification procedures outlined herein have been accomplished. (2) what Modifications is or Delivery/Task Orders. Notification is not required for modifications or delivery/task orders newsworthy exceeding must \$3.5 consider million if Congress was notified factors such as dollar amount of the initial contract award; otherwise, Congressional notification is required. b. Notification will be made via form DOT 4220.41 action, "Contract Award Notification" uniqueness, with a or concurrent courtesy copy to public interest associated with the FAA requirement. ’160;s Office of Government and Industry Affairs, AGI-1. Blocks 1-11 of the form must be completed The and telexed to CO should contact the Assistant Secretary Office for Government of Public Affairs (IAOC-1), (202) 300 366-7346; confirmation: (202) for 366-4573. advice. The Contracting Officer should file and help with preparing a copy press of release; the Service form Area, Region and the telex Center personnel receipt, should if coordinate available, a in the official contract press release with their file local Block 9 public affairs of office. the form The CO should be amended to request add the methods in the FAA Acquisition Management System a press release approximately four weeks before planned award.

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c. Unless I-1 or designee, requests the Contracting **Public Officer Announcement**, or other designated official **Although AMS policy does not require** proceed with contract **public announcement for** award, **all** awards may be announced on, the third working day **CO** following receipt **should** of the Form DOT **consider announcing an award** 4220.41 **involving in large I-1-funding Confirmation amounts, of subcontracting the opportunities,** receipt of the 4220 **or high public visibility.** 41. by **Award I-Information** may **should** be made by calling (202) 366-4573. **announced** The Contracting Officer is responsible for **promptly and via FAA Contract Opportunities** documenting **website,** the date the **Internet,** 4220.41 **trade is magazines,** received by **or local I-1. d newspapers.** A press release may be appropriate. **Award announcements are** for contract award actions of interest to the general public. The determination of what **informational** is newsworthy **purposes only** and what **should** is **include:**

(1) **not Contract must number;**

(2) **consider not only Contractor name and the address;**

(3) **dollar amount Brief description** of the action but also the uniqueness or public interest that may be associated with the event. The FAA Office of Public Affairs **requirement;**

(AOC 3004), should be contacted for assistance in developing **Total** a press **value;**

(5) **release. Award Regions date;** and centers should coordinate

(6) **press Contracting releases Officer's for name, regional email,** and center actions with their local public affairs office. A request for a press release should be made approximately 4 weeks in advance of a contract award **telephone.**
